

M E M O R A N D U M

TO: Members, Public Disclosure Commission
FROM: Philip E. Stutzman, Director of Compliance
DATE: January 11, 2002
SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated November 21, 2001. If you would like additional information, please let me know.

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Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.

Part I

Investigations Completed

Cases Scheduled For Hearing:

Simpson, Geoff--Case #01-133: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson's campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the Sea-Tac Fire Department. An enforcement hearing before the full Commission has been scheduled for January 22, 2002.

Disposition: Pending

Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18th. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1st brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding

Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing before the full Commission has been scheduled for January 22, 2002.
Disposition: Pending

White, James – Case #01-184; Investigator: Suemary Trobaugh

Date Received: January 31, 2001
Date Started: February 2, 2001
Section of Law: RCW 42.17.130 and .750
Status: Investigation Complete
Summary: A complaint was received from Martin Plys alleging that Mayor James White of Kent knowingly solicited campaign contributions from City of Kent employees when he invited employees to his re-election campaign fundraiser. The complaint also alleged that Mayor White used public facilities to assist his campaign when he sent an e-mail to all city employees apologizing for having sent invitations to his fundraiser to employees. An enforcement hearing before the full Commission has been scheduled for February 2002.
Disposition: Pending

Concerned Citizens Action Committee – Case #01-187; Investigator: Suemary Trobaugh

Date Received: February 9, 2001
Date Started: February 16, 2001
Section of Law: RCW 42.17.040, .080, and .090
Status: Investigation Complete
Summary: A complaint was received from Rodney Livengood, Superintendent of Kittitas County Hospital District #2, alleging that Concerned Citizens Action Committee, a group opposed to a February 6, 2001 Hospital District ballot proposition, has not registered or reported its activities to the PDC. A brief enforcement hearing has been scheduled for January 16, 2002.
Disposition: Pending

Wolfe, Cathy—Case #01-229; Investigator: Kurt Young

Date Received: May 16, 2001
Date Started: May 29, 2001
Section of Law: RCW 42.17.710
Status: Investigation Complete
Summary: A complaint was received from Robert Edelman alleging that then-Representative Cathy Wolfe received a campaign contribution during the 2001

legislative session freeze period. A brief enforcement hearing has been scheduled for January 16, 2002.

Disposition: Pending

Rojecki, Keven--Case #02-277: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson's campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of the investigation, staff decided to allege a violation of RCW 42.17.130 by Keven Rojecki, a SeaTac Firefighter. (See Geoff Simpson, Case No. 01-133). An enforcement hearing before the full Commission has been scheduled for January 22, 2002.

Disposition: Pending

Gallup, John--Case #02-277: Investigator - Suemary Trobaugh

Date Received: September 19, 2000

Date Started: October 9, 2000

Section of law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, as Chair of the Washington State Republican Party, alleging that Geoff Simpson, a candidate for state representative and a Kent Firefighter, used fire department equipment in a political advertisement sponsored by Mr. Simpson's campaign during the 2000 election. The political advertisement included photos of Mr. Simpson and other firefighters, in uniform, using a fire truck and equipment belonging to the SeaTac Fire Department. As a result of the investigation, staff decided to allege a violation of RCW 42.17.130 by John Gallup, a SeaTac Fire Department employee. (See Geoff Simpson, Case No. 01-133). An enforcement hearing before the full Commission has been scheduled for January 22, 2002.

Disposition: Pending

Cases Closed

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings.)

Roach, Dan - Case #01-032; Investigator: Kurt Young

Date Received: September 18, 2000

Date Started: September 27, 2000

Section of Law: RCW 42.17.080, .090

Status: Investigation Complete

Summary: A complaint was received from Yvonne Kinoshita Ward, alleging that Dan Roach, a candidate for State Representative in the 31st Legislative District, has not timely filed reports of contributions received (PDC Form C-3).

Disposition: A brief enforcement hearing was held on December 6, 2001. The Dan Roach Campaign was found in violation of RCW 42.17.080 and .090 for failing to timely file detailed reports of contribution and expenditure activities for the 2000 election cycle. The campaign was assessed a civil penalty of \$500, of which \$200 was suspended on the condition there are no further violations of RCW 42.17 for a period of two years from the date of the order.

Benton, Don--Case #01-132; Investigator: Suemary Trobaugh

Date Received: October 9, 2000

Date Started: October 17, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Daniel M. Ogden, Chair of the Clark County Democratic Central Committee, and Carrie Parks, Chair of the 17th District Legislative Democratic Committee, alleging a violation of RCW 42.17.640 and WAC 390-05-400 by Don Benton, a candidate for State Senator seeking re-election in the 17th Legislative District. The complaint alleges that Senator Benton accepted excess campaign contributions from Rowley Enterprises, Inc. and Koerick Sterling Communities, LLC.

Disposition: A brief enforcement hearing was held on December 6, 2001. The Don Benton Campaign was found to have violated RCW 42.17.640 by accepting contributions from seven sources in excess of the 2000 general election contribution limits. The campaign was assessed a civil penalty of \$300, of which \$150 of the penalty was suspended on the condition there are no further violations of RCW 42.17 for a period of four years from the date of the order.

Soriano, Lawrence—Case #02-263; Investigator: Suemary Trobaugh

Date Received: November 7, 2001

Date Started: November 7, 2001

Section of Law: RCW 42.17.040, .080, .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, Executive Director of the PDC, against Lawrence Soriano, a candidate for Seattle School Board, alleging that Mr. Soriano accepted campaign contributions and made campaign expenditures in excess of the \$3,500 mini reporting limit. Mr. Soriano requested permission to change reporting options from mini reporting to full reporting within 30 days of the 2001 primary election. The request to change to the full reporting option was denied when it was discovered that Mr. Soriano had received more than \$12,000 in campaign contributions and made more than \$11,650 in campaign expenditures while under the mini reporting option.

Disposition: An enforcement hearing was held before the full Commission on December 4, 2001. The Commission found that Lawrence Soriano violated RCW 42.17.040 by failing to timely change from the mini reporting option to full reporting, and RCW 42.17.080 and 42.17.090 by accepting contributions and making expenditures above the mini reporting limits. Mr. Soriano was assessed a civil penalty of \$1,000, of which \$500 was suspended on the condition no further violations of RCW 42.17 for a period of four years from the date of the order.

The following cases were dismissed with the concurrence of the Chair:

IAFF Local 31—Case #00-903 Investigator: Lori Anderson

Date Received: May 5, 2000

Date Started: May 5, 2000

Section of Law: RCW 42.17.640

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation, alleging that the International Association of Firefighters (IAFF) Local 31 violated RCW 42.17.640 by making contributions over the allowable limit to 1) the 1998 primary election campaign of Frank Gavaldon, candidate for State Representative; 2) the 1998 general election campaign of Frank Gavaldon; and 3) the 1998 general election campaign of Karen Keiser, a candidate for State Representative.

Disposition: Dismissed with the concurrence of the Chair. Staff found that IAFF Local 31 did not make the alleged contributions. The contributions were made by Active in Democracy, the political committee of IAFF Local 31. A brief

enforcement hearing was held November 1, 2001 and Active in Democracy was found to have violated RCW 42.17.640 for making over-limit contributions to the 1998 primary and general election campaigns of Frank Gavaldon and the 1998 general election campaign of Karen Keiser. Thus, there was no violation by IAFF Local 31.

CHS Engineers, Inc.--Case #01-167 Investigator: Suemary Trobaugh

Date Received: November 27, 2000

Date Started: December 1, 2000

Section of Law: RCW 42.17.120

Status: Investigation Complete

Summary: A complaint was received from Michael J. West, a commissioner in the Val Vue Sewer District in South Seattle. Mr. West alleged that CHS Engineers, Inc. has made campaign contributions to candidates for Sewer District Commissioner, in various sewer districts, in a manner that conceals the true source of the contributions, in violation of RCW 42.17.120.

Disposition: Dismissed with the concurrence of the Chair. It was found that partners and employees of CHS Engineers made personal campaign contributions and solicited contributions for candidates for the office of water and sewer commissioner.

Opp, Dena--Case #01-168 Investigator: Suemary Trobaugh

Date Received: December 1, 2000

Date Started: December 6, 2000

Section of law: RCW 42.17.241

Status: Investigation Complete

Summary: A complaint was received from Carol Cherry, alleging that Dena Opp, Mayor of Newport, Washington, has failed to properly list, on her Personal Financial Affairs Statement (PDC Form F-1), the disposition of real property that occurred during 1998, and that she has not disclosed the income received by her spouse, in violation of RCW 42.17.241.

Disposition: Dismissed with the concurrence of the Chair. It was found that Ms. Opp failed to initially include information on the foreclosed property and her husband's retirement account on her 1998 F-1 report. Ms. Opp filed an amended F-1 for 1998, which mitigated her initial failure to correctly file the report. Ms. Opp was cautioned to comply with all applicable reporting provisions of the public disclosure law for the duration of her term and in future election campaigns.

Evergreen School District – Case #01-182; Investigator: Lori Anderson

Date Received: January 10, 2001

Date Started: January 19, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Senator Don Benton, 17th Legislative Dist., alleging that the Directors of the Evergreen School District used public facilities to dispute statements made in political advertisements circulated by Benton during his 2000 re-election campaign.

Disposition: Dismissed with the concurrence of the Chair. It was found that Evergreen School District officials contend that in talking first with Senator Benton and then *The Columbian*, this was an effort to communicate to their constituents, information about the maintenance and operation of the Evergreen School District. District officials stated their efforts were not intended to support or oppose any candidates for public office, and the Evergreen School District was cautioned to avoid such activities in the future and to refrain from disseminating information about its operations in a manner that might be construed as supporting or opposing candidates or ballot measures.

King County Fire District 40 – Case #01-186; Investigator: Kurt Young

Date Received: February 5, 2001

Date Started: February 9, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Howard Meinzer alleging that officials of King County Fire District 40 used public facilities to support a fire district ballot proposition, in violation of RCW 42.17.130. The complaint alleged that the District Newsletter, *Fireline*, misrepresented benefit service charge information in a way that supported passage of the District's ballot proposition.

Disposition: Dismissed with the concurrence of the Chair. It was found that the information produced and distributed by King County Fire District 40 did not support the fire districts ballot proposition.

International Association of Fire Fighters—Case #01-188; Investigator: Kurt Young

Date Received: February 12, 2001

Date Started: March 2, 2001

Section of Law: RCW 42.17.640 and .660

Status: Investigation Complete

Summary: A complaint was received from Bob Edelman alleging that the State Council of the International Association of Fire Fighters (IAFF) and certain of its affiliated local units violated the candidate contribution limits of RCW 42.17.640 for the 2000 election cycle. He also alleged that the candidates that accepted the over-limit contributions violated RCW 42.17.640, 42.17.660, and WAC 390-16-308(5).

Disposition: Dismissed with the concurrence of the Chair. It was found that none of the local units individually exceeded the primary or general election contribution limits of \$600 to state legislative candidates, and that no evidence was provided that the Washington State Council of Fire Fighters participated in the primary or general elections of the legislative candidates outlined in the complaint.

Kingston Area Citizens Network--Case #01-197; Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Investigation Complete

Summary: A complaint was received from Nick Jewett alleging that the Kingston Area Citizens Network placed political advertising in the North Kitsap Herald newspaper opposing a school bond issue without first registering and reporting as a political committee.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Kingston Area Citizens Network (KACN) used existing funds to produce a newspaper political advertisement in opposition to a school bond election. KACN did not meet the definition of a political committee because it did not solicit contributions for this expenditure, nor was opposition to the ballot proposition one of the primary purposes of the organization. KACN filed an Independent Expenditure report (PDC form C-6) on March 26, 2001 to report its expense.

Amalgamated Transit Union Local 843—Case #01-222; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 843 (ATU Local 843) failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Dismissed with the concurrence of the Chair. For calendar year 2000, the monetary threshold for filing the C-7 report was \$12,000 for contributions made during the preceding calendar year to legislative candidates, statewide candidates, or committees supporting or opposing a statewide initiative. It was found that ATU Local 843 made a total of \$6,700 in contributions during calendar year 2000, thus ATU Local 843 was under no obligation to file a C-7 report.

Amalgamated Transit Union Local 1576—Case #01-224; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Amalgamated Transit Union Local 1576 (ATU Local 1576) failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Dismissed with the concurrence of the Chair. It was found that ATU Local 1576 filed an Independent Expenditure Report (PDC Form C-6) disclosing two contributions made to the ATULC No on I-745 Committee, more than six weeks prior to the 2000 general election date. ATU Local 1576 reported all contributions, except for \$420, that were required to be reported, on PDC Form C-6, prior to the 2000 election and before the C-7 would have been required to be filed.

Iron Workers District Council of the Pacific Northwest—Case #01-225;

Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Iron Workers District Council of the Pacific Northwest failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Iron Workers District Council of the Pacific Northwest made contributions through a federal PAC registered with the Federal Election Commission, and

submitted C-5 reports disclosing contributions and political expenditures made during calendar year 2000. Thus, there was no obligation to file a C-7 report.

**Washington State Building & Construction Trades Council—Case #01-226;
Investigator: Kurt Young**

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington State Building & Construction Trades Council failed to file PDC form C-7 disclosing contributions made to a statewide initiative committee and state office candidates during the 2000 election cycle.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Washington State Building & Construction Trades Council (WSBCTC) hired a lobbyist, Alan Darr, who timely reported the contributions made by the WSBCTC on his monthly L-2 reports. In addition, the WSBCTC filed an Annual Lobbyist Employers Report (PDC Form L-3) so there was no obligation to file a C-7 report.

United Transportation Union—Case #01-227; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that United Transportation Union failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Dismissed with the concurrence of the Chair. It was found that the United Transportation Union made contributions through a federal PAC registered with the Federal Election Commission, and submitted C-5 reports under the filer name Transportation Political Education League disclosing contributions and political expenditures made during calendar year 2000. Thus, there was no obligation to file a C-7 report.

Washington Federation of Teachers—Case #01-228; Investigator: Kurt Young

Date Received: May 14, 2001

Date Started: May 29, 2001

Section of Law: RCW 42.17.180

Status: Investigation Complete

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that Washington Federation of Teachers failed to disclose contributions made to state office candidates or to a statewide initiative committee during the 2000 election cycle on PDC form L-3 as required for a lobbyist employer.

Disposition: Dismissed with the concurrence of the Chair. It was found that the political action committee of the Washington Federation of Teachers, the Washington Federation of Teachers Committee on Political Education, timely reported the contributions made during calendar year 2000 on its political committee reports. Thus, there was no obligation to file an annual C-7 report.

Washington Victory Fund—Case #02-179; Investigator: Kurt Young

Date Received: September 6, 2001

Date Started: September 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Investigation Complete

Summary: A complaint was received from Robert Edelman alleging that the Washington Victory Fund failed to register and report as a joint fundraising committee with the PDC. The Washington Victory Fund registered with the Federal Election Commission, and reported contributions and expenditures as part of a joint fundraising committee involving the Washington State Democratic Central Committee, the Gary Locke for Governor Campaign, and the Jay Inslee for Congress Campaign. The three participants reported their proportional receipts and expenditures on their respective PDC and FEC reports.

Disposition: Dismissed with the concurrence of the Chair. It was found that the Washington Victory Fund (WVF) distributed the funds received at the joint fund raising event on a pro-rated basis, based on an allocation formula developed by the recipients for the event. It was found that the three participants reported their proportional receipts and expenditures on their respective PDC and FEC reports based on the PDC instruction manual. In addition, it was found that no exempt funds of the Washington State Democratic Central Committee were used to support any candidates for this event.

Henry, Marion—Case #02-180; Investigator: Lori Anderson

Date Received: September 11, 2001

Date Started: September 17, 2001

Section of Law: RCW 42.17.530

Status: Investigation Complete

Summary: A complaint was received from Kay Lasco alleging that Marion Henry, a candidate for the Sea-Tac City Council, listed an endorsement from the Sea-Tac Firefighters on a political advertisement sponsored by her campaign when no endorsement had been received from that entity.

Disposition: Dismissed with the concurrence of the Chair. It was found that Marion Henry had received a contribution check from IAFF Local 2919, and the payee's name printed on the check read "Sea-Tac FireFighters IAFF 2919, Active Community Endorsement." Ms. Henry mistakenly believed that IAFF Local 2919 had decided to endorse her since she had received the contribution, and the name on the check was the Union's Active Community Endorsement account and contained the word "endorsement." There was no evidence that Ms. Henry acted with malice, which is required to prove a false statement in a political advertisement.

Mester, William (Mead School District)—Case #02-181; Investigator: Lori Anderson

Date Received: September 17, 2001

Date Started: October 1, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from LeeAnn Hancock alleging that the Mead School District used public facilities to support a candidate for the Mead School Board.

Disposition: Dismissed with the concurrence of the Chair. It was found that *Mead Matters*, a publication produced and distributed by the Mead School District is a normal and regular publication. District administrators made the focus of the September edition of *Mead Matters* the open house and dedication ceremony of the remodel of Mead High School. The September edition of *Mead Matters* contained a photograph of Mead school board member Frank Hoover, along with his daughter and the principal and the remodeled high school. While Mr. Hoover was a candidate up for re-election in 2001, as a school board member, the decision to include Mr. Hoover's photograph was made independently and not to support his campaign.

The following cases were dismissed with the concurrence of the Chair, but were not assigned a case number:

Admirals Cove Water District—No Case # Assigned; Investigator: Kurt Young

Date Received: October 29, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Sid Iverson alleging that the Admirals Cove Water District used public facilities to support a candidate for Water Commissioner.

Disposition: Dismissed with the concurrence of the Chair. It was found that an employee of the Water District sent a letter to Mr. Iverson requesting information about statements made at a board meeting, but no evidence was presented showing that the letter assisted any candidates for public office.

Foote, Michael—No Case # Assigned; Investigator: Suemary Trobaugh

Date Received: October 22, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Ronald Clark alleging that Michael Foote failed to file campaign contribution and expenditure reports disclosing campaign activities.

Disposition: Dismissed with the concurrence of the Chair. It was found that Michael Foote selected the mini reporting option on his Candidate Registration Statement (PDC Form C-1), so no contribution or expenditure reports were required.

One City Campaign and Charmaine Roberts Remodeling (Robert Gillespie)—No Case # Assigned; Investigator: Suemary Trobaugh

Date Received: October 26, 2001

Section of Law: RCW 42.17.510

Status: Investigation Complete

Summary: A complaint was received from Gerald Marra alleging that the One City Campaign and Charmaine Roberts Remodeling (Robert Gillespie) failed to include the proper sponsor identification on political advertising that opposed a local ballot proposition.

Disposition: Dismissed with the concurrence of the Chair. It was found that the One City Campaign and Charmaine Roberts Remodeling (Robert Gillespie) failed to include the proper sponsor identification on political advertising that opposed a local ballot proposition, and they were issued a Notice of Warning for all future political advertising.

Peterson, Julie—No Case # Assigned; Investigator: Suemary Trobaugh

Date Received: October 15, 2001

Section of Law: RCW 42.17.130

Status: Investigation Complete

Summary: A complaint was received from Joe Rubio alleging that the City of Kent had made a \$50 contribution to the Julie Peterson Campaign.

Disposition: Dismissed with the concurrence of the Chair. It was found that the \$50 was a refund to Ms. Peterson's campaign from the City of Kent for a deposit to rent a park facility to hold a campaign event.

Steenrod, Margaret—No Case # Assigned; Investigator: Suemary Trobaugh

Date Received: October 22, 2001

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Ronald Clark alleging that Margaret Steenrod failed to file campaign contribution and expenditure reports disclosing campaign activities.

Disposition: Dismissed with the concurrence of the Chair. It was found that Margaret Steenrod selected the mini reporting option on her Candidate Registration Statement (PDC Form C-1), so no contribution or expenditure reports were required.

Cases Referred To Attorney General For Further Action

Cooney, Sadie Charlene--Case #99-053; Investigator: Charlie Schreck

Date Received: October 22, 1998

Date Started: October 23, 1998

Section of Law: RCW 42.17.130 and .680

Status: Investigation Complete

Summary: A complaint was received from Lynda Rouse, alleging that Sadie Charlene Cooney has used public facilities for campaign activities. The complainant alleged that for several years Ms. Cooney has directed employees to work on political campaigns using resources of the County Assessor's office. The complainant also alleged that Ms. Cooney has created a hostile work environment, and has discriminated against employees in violation of RCW 42.17.680. An enforcement hearing was held December 12, 2000.

Disposition: The Commission accepted a Stipulation of Facts and Violations and found actual violations of RCW 42.17.130 and 42.17.750. The parties agreed for the purposes of determining whether the Commission would refer the matter to the

Attorney General's Office that the written information and documentary evidence before the Commission as of December 12, 2000 could serve as the basis for the Commission finding that the Respondent committed apparent violations of RCW 42.17.130 and 42.17.680(2) for the matters in the Notice of Administrative Charges that had not been stipulated to by the parties. The parties also agreed that the facts and violations stipulated to are evidence of agreed-to actual violations of RCW 42.17.130 and RCW 42.17.750, and that those stipulated matters are also appropriate for referral to the Attorney General's Office. It was agreed that if the Attorney General's Office declines to file a complaint in Superior Court based upon the apparent and actual violations referenced in the referral or does not enter into a settlement for all the apparent and actual violations referenced in the referral, the case is to be returned to the Public Disclosure Commission for hearing under 42.17 RCW and Commission regulations. Based on the above information, the Commission referred the matter to the Attorney General's Office. The Commission found that a referral was appropriate because: (1) The maximum penalty that the Commission could impose statutorily was insufficient in light of the number of actual and apparent violations, and (2) The complexity of the issues and facts presented merits consideration by the Attorney General's Office and a superior court. The Commission also found that if no action is taken by the Attorney General's Office as described in the Order of Referral, the matter is to be returned to the Commission for hearing.

Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

Disposition: The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

Washington Education Association—Case #01-002; Investigator: Lori Anderson

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following its receipt of the complaint from EFF. The complaint was filed with the Attorney General's Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen's action in superior court.

Disposition: The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General's Office.

Part II

Active Investigations

Investigations In Progress

Guite, Jerry—Case #02-261; Investigator: Suemary Trobaugh

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.100 and .510

Status: Under Investigation

Summary: A complaint was received from Ronald Clark alleging the Jerry Guite sponsored political advertising supporting four candidates for Des Moines City Council that failed to contain complete sponsor identification information. In

addition, it was alleged that the cost of the advertisement was not reported as an independent expenditure. The political advertisement was included on the back of a flyer for AAA Liquidating, a business owned and operated by Mr. Guite.
Disposition: Pending

Benjamin, Richard—Case #02-262; Investigator:

Date Received: October 22, 2001

Date Started: November 9, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was received from Ronald Clark alleging that Richard Benjamin, a candidate for Des Moines City Council, failed to timely file reports of contribution and expenditure activity for the 2001 election as required for a candidate under the full reporting option.

Disposition: Pending

Tuma, Bernardo—Case #02-264; Investigator: Lori Anderson

Date Received: October 25, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.040, .080, and .090

Status: Under Investigation

Summary: A complaint was filed by Kevin Phelps against Bernardo Tuma, a candidate for Tacoma City Council, alleging Mr. Tuma failed to timely file a Candidate Registration Statement (PDC Form C-1) and reports of contribution and expenditure activity (PDC Forms C-3 and C-4).

Disposition: Pending

Spies, Garrett—Case #02-265; Investigator: Kurt Young

Date Received: October 29, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Mardee Patton against Garrett Spies, a candidate for Fife City Council, alleging that Mr. Spies sponsored political advertising that contained a false statement of material fact about Ms. Patton, his opponent.

Disposition: Pending

Marshall, Connie—Case #02-266; Investigator: Kurt Young

Date Received: October 30, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.125

Status: Under Investigation

Summary: A complaint was filed by Janice Benson against Connie Marshall, a candidate for Bellevue City Council, alleging that Ms. Marshall used campaign funds to purchase political advertising that supported or opposed two ballot propositions on the 2001 general election ballot.

Disposition: Pending

Dyer, Karla—Case #02-267; Investigator: Suemary Trobaugh

Date Received: November 5, 2001

Date Started: November 13, 2001

Section of Law: RCW 42.17.080, and .090

Status: Under Investigation

Summary: A complaint was filed by Earl VanDorien against Karla Dyer, a candidate for Federal Way School Board, alleging that Ms. Dyer failed to make her campaign books and records available for public inspection during the eight day period before the General election, and that Ms. Dyer exceeded the mini reporting limits of \$3,500 in campaign funds raised or spent.

Disposition: Pending

Locke, Sydney—Case #02-268; Investigator: Lori Anderson

Date Received: November 14, 2001

Date Started: November 15, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Gary S. Grayson against Sydney Locke, a candidate for Edmonds City Council, alleging Sydney Locke failed to timely file reports of contribution and expenditure activity undertaken by the Locke campaign (PDC Forms C-3 and C-4).

Disposition: Pending

City of Burien--Case #02-269; Investigator: Suemary Trobaugh

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was filed by Joe Coomer against the City of Burien, alleging the city used public facilities to produce and distribute information that opposed a statewide ballot proposition.
Disposition: Pending

Van Horn, Henry--Case #02-270; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was filed by Wanda Keefer against Henry Van Horn, the editor of the Asotin County-Clarkston Gazette, for placing political advertising in the Asotin County-Clarkston Gazette during the 2001 election that failed to include the proper sponsor identification.

Disposition: Pending

Quesenberry, Rosemary--Case #02-271; Investigator: Kurt Young

Date Received: November 27, 2001

Date Started: November 27, 2001

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Dan Clawson against Rosemary Quesenberry, a candidate for Renton City Council, alleging that Ms. Quesenberry sponsored political advertising containing false statements about Dan Clawson. The complaint also alleged that Ms. Quesenberry made a false claim of endorsement.

Disposition: Pending

Shortt, James--Case #02-274; Investigator: Suemary Trobaugh

Date Received: December 12, 2001

Date Started: December 12, 2001

Section of Law: RCW 42.17.040, .240 and .510

Status: Under Investigation

Summary: A complaint was filed by Dan Swatman against James Shortt, a write-in candidate for Bonney Lake City Council, alleging that Mr. Shortt failed to timely file a Candidate Registration Statement (PDC Form C-1), a Personal Financial Affairs Statement (PDC Form F-1), and failed to include the proper sponsor identification on political advertising sponsored by his campaign.

Disposition: Pending

Orr, Leona & Epperly, Connie--Case #02-275; Investigator: Suemary Trobaugh

Date Received: December 12, 2001

Date Started: December 12, 2001

Section of Law: RCW 42.17.130

Status: Under Investigation

Summary: A complaint was filed by Sandra Amodt against Leona Orr and Connie Epperly, both members of the Kent City Council for allegedly using the facilities of the City of Kent to support candidates for public office.

Disposition: Pending

Cases Under Review

Stevens Hospital Medical Staff--Case #98-017; Investigator: Phil Stutzman

Date Received: September 8, 1997

Date Started: September 23, 1997

Section of Law: RCW 42.17.040, .065, .080, .090, and .750

Status: Under Review

Summary: A complaint was received from a member of the Stevens Hospital Medical Staff, expressing concern about mandatory donations to the medical staff association. The complaint said the association spends a significant portion of its funds on ballot propositions affecting the Stevens Hospital District. At issue is whether the Stevens Hospital Medical Staff is a political committee, required to register and report with the Public Disclosure Commission.

Disposition: Pending

No on Initiative 695 Committee – Case #01-183; Investigator: Suemary Trobaugh

Date Received: January 22, 2001

Date Started: January 24, 2001

Section of Law: RCW 42.17.090

Status: Under Review

Summary: A complaint was received from Jami Lund of the Evergreen Freedom Foundation alleging that the No on Initiative 695 Committee has failed to forfeit funds to the State of Washington it received from the International Brotherhood of Teamsters (IBT) DRIVE Political Fund as required by RCW 42.17.090 and WAC 390-16-055.

Disposition: Pending

Yakima County Fire District #12 (West Valley Fire Department)-- Case #01-198;

Investigator: Suemary Trobaugh

Date Received: March 12, 2001

Date Started: March 16, 2001

Section of Law: RCW 42.17.130

Status: Under Review

Summary: A complaint was received from Gary and Carolyn Belles alleging that officials of Yakima County Fire District 12 (West Valley Fire District) have used public facilities of the fire district to support an incorporation effort by citizens of West Valley.

Disposition: Pending

Brotherton, Tom—Case #02-257; Investigator: Suemary Trobaugh

Date Received: October 18, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Mark Zimmerman alleging that Tom Brotherton, a candidate for Kent City Council, sponsored political advertising that contained a false statement of material fact about Mr. Brotherton's opponent, Bruce White.

Disposition: Pending

Jackley, Brock—Case #02-258; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, Brock Jackley, a state legislative candidate during the 2000 election cycle, and a recipient of a contribution from the Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

Morris, Jeffrey—Case #02-259; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, Jeffrey Morris, a state legislative candidate during the 2000 election cycle, and a recipient of a contribution from the Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

Snohomish County Democratic Central Committee—Case #02-258; Investigator: Lori Anderson

Date Received: October 5, 2001

Date Started: October 24, 2001

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Robert Edelman alleging that when the Inlandboatman's Union PAC, a federal PAC, failed to file a C-5 report within 10 days of making contributions during the 2000 election cycle, the Snohomish County Democratic Central Committee, a recipient of a contribution from the Inlandboatman's Union PAC, failed to forfeit the contribution as required by statute. The complaint also alleged that the Respondent may not have reported receipt of the contribution.

Disposition: Pending

Luther, Rick; Esping, Kevin; & Hurst Christopher (45 Day Letter)--Case #02-272; Investigator: Kurt Young

Date Received: December 6, 2001

Date Started: December 6, 2001

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A 45-day letter was filed by Robert Edelman with the Office of the Attorney General and the King County Prosecutor's Office alleging that Rick Luther, Kevin Esping, and Christopher Hurst sponsored political advertising that contained false statements against Barry Kombol, a candidate for mayor of Black

Diamond. The Office of the Attorney General forwarded Mr. Edelman's complaint to the PDC for investigation.
Disposition: Pending

**Black Diamond Citizens for Political Responsibility (45 Day Letter)--Case #02-273;
Investigator: Kurt Young**

Date Received: December 6, 2001

Date Started: December 6, 2001

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A 45-day letter was filed by Robert Edelman with the Office of the Attorney General and the King County Prosecutor's Office alleging that the Black Diamond Citizens for Political Responsibility sponsored political advertising that contained false statements against Barry Kombol, a candidate for mayor of Black Diamond. The Office of the Attorney General forwarded Mr. Edelman's complaint to the PDC for investigation.

Disposition: Pending

Unions and Candidates – On May 5, 2000, Jami Lund of the Evergreen Freedom Foundation filed 65 complaints against several unions and state office candidates for making or accepting contributions that: (1) were in excess of the limits allowed by RCW 42.17.640; (2) were not reported on PDC form C-7 as required by RCW 42.17.180 and WAC 390-16-071; (3) were not reported on PDC form C-5 as required by RCW 42.17.090; (4) were not forfeited to the state general fund in accordance with RCW 42.17.090 and WAC 390-16-095; (5) were unqualified contributions as set forth in RCW 42.17.640 and WAC 390-16-311; (6) were accepted in excess of the limit allowed as required by RCW 42.17.640 or were not allowed under RCW 42.17.660. The 65 cases were assigned case numbers 00-890 through 00-954. Brief enforcement hearings were held September 25, 2000 for 11 of the 65 cases and on January 22, 2001 for one case. On February 27, 2001, 28 cases were approved for dismissal. A brief enforcement hearing was held for Case #00-935 on May 21, 2001. Fourteen cases were dismissed between August 17 and September 14, 2001, and three additional cases were dismissed between September 15 and October 11, 2001. Two cases were heard as part of brief enforcement hearings held October 18, 2001 and two cases were heard as part of brief enforcement hearings held November 1, 2001. One additional case was dismissed on December 4, 2001. The Status of the remaining 2 cases is "Under Review."

Candidates and Committees – On October 5, 2001, Robert Edelman filed 103 complaints against 98 candidates and five committees alleging that they had received contributions from out-of-state or federal committees who had not filed PDC form C-5 disclosing information about the contribution made, including the name and address of each person residing in the State of Washington or corporation which has a place of business in the State of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state or federal committee during the current calendar year, together with the money value and date of such contributions. On October 25, 2001, the candidates and committees named in the complaints were told that if they followed the express statutory remedy, which is to forfeit the funds received from these out-of-state or federal committees to the State of Washington, no further enforcement action would be taken. Four of the Respondents have been given individual case numbers and are in the status “Under Review.” The remaining 99 candidates and committees have not been assigned individual case numbers and are also in the status “Under Review.”